



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 20 2012

OFFICE OF
INSPECTOR GENERAL

Mr. Jason Smathers
MuckRock News
DEPT MR 821
PO Box 55819
Boston, MA 02205-5819

Re: Freedom of Information Act Request (HQ-FOI-0493-12)

Dear Mr. Smathers:

This letter responds to your Freedom of Information Act (FOIA) request dated December 27, 2011, requesting a copy of a memo entitled "How and When to Purge Divisional Case Files of Material Which Could Prove Embarrassing if Released Under an FOIA or Congressional Request."

After a thorough search, the Office of Inspector General has determined that we have no records that are responsive to your request. The D.C. Circuit Court of Appeals, in Oglesby v. Department of the Army, 920 F.3d 57 (D.C. Cir.1990) has ruled that a "no record" response constitutes an "adverse determination," thereby requiring an agency to notify requesters of their administrative appeal rights under 5 U.S.C. § 5529a)(6)(A)(i). Accordingly, you may appeal this response by addressing your written appeal to the Counsel to the Inspector General, Office of Counsel, Office of Inspector General, 1200 Pennsylvania Avenue, NW, mail Code (2411T), Washington, D.C. 20460, Fax (202) 566-0870, e-mail oigfoia@epa.gov. The appeal must be made in writing and must be submitted no later than 30 calendar days from the date of this letter. The appeal letter should include the FOI number listed above. If possible the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this matter, you may contact Shushona Hyson, Freedom of Information Officer at (202) 566-0869.

Sincerely,

A handwritten signature in dark ink, appearing to read "Helen A. Mollick", is written over a horizontal line.

Helen A. Mollick
Senior Associate Counsel
Office of Counsel

cc: FOIA Office